



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2305587
Applicant Name: Brittani Ard
Address of Proposal: 3532 NE 92nd Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide three parcels into four parcels of land. Proposed parcel sizes are: Parcel A) 5,610.4 square feet, Parcel B) 4,297.4 square feet, Parcel C) 4,296.7 square feet; and Parcel D) 5,686.6 square feet. The existing single family residences on proposed Parcels A and D will remain. The existing single family residence on proposed Parcels B and C will be demolished. The lot sizes for proposed Parcels B and C are proposed under the “75/80” rule of the Land Use Code, SMC 23.44.010.

The following approval is required:

Short Subdivision – to create four parcels of land from three existing parcels.
(SMC Chapter 23.24).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
another agency with jurisdiction.

BACKGROUND DATA

Zoning: SF 5000

Date of Site Visit: December 16, 2003

Uses on Site: Single Family

Site and Vicinity Characteristics: The subject site is comprised of three lots. Two lots are on the north side of Northeast 92nd Street; the third faces and is addressed from Northeast 93rd Street. The NE 92nd Street lots have a moderate downhill slope to the east and have a short section of steep slope along their northern property boundaries. These steep slopes appear to have been created by grading for the creation of building sites for the lots to the north and addressed on NE 93rd Street. The third lot is also on the same moderate downhill slope. Its rear property boundary is also a small steep slope caused by previous grading. There are no Environmentally Critical Areas (ECA's).

Proposed Parcels B and C have an older single family residence with a detached shed, both of which will be removed to create future building sites. The existing single family structures on proposed Parcels A and D will remain. The existing garage on proposed Parcel A will be removed.

The surrounding neighborhood and parcels are zoned SF 5000 and contain a variety of single family structures of various ages on a variety of lot sizes. Both NE 92nd and 93rd Streets are paved but do not contain curbs, gutters, sidewalks, or planting strips.

Public Comment

One comment letter was received during the comment period which ended January 7, 2004. The letter expressed strong concern over the division of the existing lots to create an additional lot and the impacts that smaller lot houses might have on the surrounding neighborhood.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from the drainage section of DPD, Seattle Public Utilities (SPU) for water availability, Fire Department (SFD), Seattle City Light (SCL), and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards and applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As proposed, this short plat utilizes the “75/80” rule of SMC 23.44.010 that allows the creation of lots less than the normally required size for a particular zone provided the proposed lots are a minimum of 75% of the required lot size for the zone and at least 80% of the mean lot area of the lots on the same block face and within the same zone in which the lot is located.

There are 10 other lots on this block face of Northeast 92nd Street. Eighty percent of the mean lot area of these lots is 3,882 square feet. Seventy-five percent of the 5,000 square feet required lot size for this zone is 3,750 square feet. The proposed lots sizes of 4,297.4 square feet for Parcel B and 4,296.7 for Parcel C, therefore meet the requirements of this rule.

This short subdivision provides access for vehicles, public and private utilities, and for emergency personal and vehicles. Existing vehicular access for all existing lots is provided from their respective frontages on NE 92nd and NE 93rd Streets. Following this short plat, all vehicle and pedestrian access will remain the same.

Adequate access for water supply is available for each lot and service is assured, subject to standard conditions governing utility extensions. No easements for this utility are required.

Drainage review comments indicate that adequate service and access is available for stormwater drainage control and sanitary sewage disposal provided easements are included on the face of the plat and in the plat legal descriptions. The easements are as follows: 1) An easement “along the line as constructed” for the existing side-sewer serving proposed Parcel A (3528 NE 92nd) where it crosses proposed Parcel B and 2) A five (5) foot storm drainage easement to the benefit of proposed Parcels B and C across proposed Parcel D granting access to the ditch and culvert in NE 93rd Street.

The public use and interest are served by this proposal. The additional parcel created through the application of the “75/80” rule, creates a buildable lot for the future construction of an additional housing unit in the City.

This site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable.

Proposed Parcels B and C contain five large Douglas Fir trees along their north property boundaries in what is the “no-build” area of the rear yard for a single family structure. None of these trees are classified as significant. This short plat does not require the removal of these trees. During future construction on these proposed parcels, the trees must either be preserved or new trees must be planted (SMC 23.44.008). Tree preservation requires a tree preservation plan to be submitted to

DPD. If the preservation option is not used, the tree planting requirements of SMC 23.44.008 must be followed. These require the planting of 2 caliper inches of tree per each 1000 square feet of lot area.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

1. Submit the final recording forms for approval along with any required fees.
2. Include the following two (2) easements: 1) An easement "along the line as constructed" for the existing side-sewer serving proposed Parcel A (3528 NE 92nd) where it crosses proposed Parcel B, and 2) A five (5) foot storm drainage easement to the benefit of proposed Parcels B and C across proposed Parcel D granting access to the ditch and culvert in NE 93rd Street.
3. Insert the following on the face of the plat: "Any tree removal or replacement is subject to the requirements of Seattle Municipal Code 23.44.008."
4. Note on the face of the plat that the garage on proposed Parcel A must be removed prior to the issuance of any building permit for proposed Parcel B.

Conditions of Approval Prior to the Individual Transfer or Sale of Lots or Issuance of a Building Permit

1. Legally remove the single family structure on proposed Parcels B and C.
2. Remove the garage on proposed Parcel A (prior to the issuance of any building permit for proposed Parcel B).

After Recording and Prior to Issuance of Any Building Permits

The owner(s) and/or responsible party(s) shall:

1. Attach a copy of recorded short subdivision to all copies of future building permit application plans for proposed Parcels B and C.

Signature: _____ (signature on file) Date: June 10, 2004
Art Pederson, Land Use Planner
Department of Planning and Development
Land Use Services